

**From:** Chu, Xiangyu  
**Sent time:** 08/26/2014 11:29:19 AM  
**To:** Gallagher, Shirin  
**Subject:** RE: Flint Hills -- Settlement Confidential

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Hi Shirin,

I'm good with both changes as long as you are ok with the "continuous cover" statement.

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**From:** Gallagher, Shirin  
**Sent:** Monday, August 25, 2014 2:43 PM  
**To:** Chu, Xiangyu  
**Subject:** RE: Flint Hills -- Settlement Confidential

Can you also tell me what you think about the edits to par. 21 re the "continuous cover" statement.

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**From:** Gallagher, Shirin  
**Sent:** Monday, August 25, 2014 2:33 PM  
**To:** Xiangyu Chu  
**Cc:** CherylB Williams  
**Subject:** FW: Flint Hills -- Settlement Confidential

Xiangyu,

See attached. He is proposing to change the dates of the illegal storage from June 18 to June 19. Looking at the docs I have in my file, that matches with what they put in their response to the info request. Let me know if you object to that change.

I'm working on a response to his other proposed edits.

Thanks,

-Shirin

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**From:** Kushner, Adam M. [<mailto:adam.kushner@hoganlovells.com>]

**Sent:** Monday, August 25, 2014 7:27 AM  
**To:** Gallagher, Shirin  
**Subject:** RE: Flint Hills -- Settlement Confidential

Shirin:

Attached please find a redline version of the proposed draft Consent Agreement and Final Order.

We are proposing a few modest language changes and have identified one issue – i.e., the scope of the government's covenant and the related reservation of rights.

As proposed the agreement would only resolve claims for civil penalties and would require Flint Hills to consent sight unseen to a compliance or corrective action order. As there is no relief to affect with respect to the government's claims we have modified the order to make it clear that it resolves all claims for the non-compliance alleged in the proposed order and have struck the reservation.

I am available to discuss the proposed changes with you.

Sincerely,

Adam

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**From:** Gallagher, Shirin [<mailto:Gallagher.Shirin@epa.gov>]  
**Sent:** Monday, August 18, 2014 1:33 PM  
**To:** Kushner, Adam M.  
**Subject:** RE: Flint Hills

Adam,

I'm attaching a DRAFT Consent Agreement & Final Order that addresses EPA Region 10's allegations against Flint Hills Resources related to RCRA violations at the North Pole Refinery for your consideration. Since there is no injunctive relief, it is a pretty straight forward agreement and much of the language is drawn directly from Part 22, but please let me know if you have any concerns or would like to discuss any of the provisions.

Could you also please identify a corporate officer who will sign the agreement on behalf of Flint Hills? That name needs to be inserted on page 11 and in the Certificate of Service.

If your client is willing to sign the document as-drafted, please mail an originally signed hard copy to my attention. I'll then route it for signature at EPA and file it with the Regional Hearing Clerk. Let me know if you need my mailing address.

Thanks for your help in wrapping this up.

-Shirin

Shirin Venus Gallagher

Assistant Regional Counsel

EPA Region 10

Tel: 206-553-4194

Email: [gallagher.shirin@epa.gov](mailto:gallagher.shirin@epa.gov)

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**From:** Kushner, Adam M. [<mailto:adam.kushner@hoganlovells.com>]

**Sent:** Friday, July 25, 2014 6:05 AM

**To:** Gallagher, Shirin

**Subject:** RE: Flint Hills

Shirin:

I am available this afternoon, Eastern time.

What works best for you?

Thanks,

Adam

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**From:** Gallagher, Shirin [<mailto:Gallagher.Shirin@epa.gov>]  
**Sent:** Wednesday, July 23, 2014 3:11 PM  
**To:** Kushner, Adam M.  
**Subject:** Flint Hills

Hi Adam,

Thanks for your call today. My schedule is quite packed today since I have been away for a few days. Do you have any time free between 9:30 and 1pm Pacific on Thursday, or Friday (any time would work for me) this week to discuss where we are on the penalty issues?

Please let me know what works for you. Thanks,

Shirin Venus Gallagher

Assistant Regional Counsel

EPA Region 10

Tel: 206-553-4194

Email: [gallagher.shirin@epa.gov](mailto:gallagher.shirin@epa.gov)

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